



DISABILITY EQUALITY AT WORK

GUIDELINES

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SECTION ONE

1.0 INTRODUCTION

1.1 These guidelines will help you manage any disabled employees in your team effectively and within the law. Disabled employees may find them useful too.

The Equality Act 2010, which replaced the former Disability Discrimination Act gives disabled people legal rights in employment, so it is important we know what we need to do to make sure we don't discriminate against any of our disabled employees. As a public body, we also have to comply with the Equality Duty to promote disability equality in employment.

1.2 The guidelines cover:

- disabled employees and self declaration
- reasonable adjustments and reviewing them
- attendance management an disabled employees
- help that available from the Access to Work Scheme
- frequently asked questions and answers
- useful contacts.

2.0 SECTION TWO

DISABLED EMPLOYEES AND SELF DECLARATION

2.1 The Equality Act does have a legal definition of disability, but it is very medical and it's for the lawyers to use, not us. So the best way to avoid discrimination is not to get tied up in determining whether someone is covered by the Act or not. The most important thing is to concentrate on disabled people's needs at work and meeting those needs. Disabled people who have or have had Cancer AIDS/HIV and Multiple Sclerosis, are automatically protected under the Act.

2.2 Before we can put any reasonable adjustments in place for disabled employees we need to know who our disabled employees are and what their needs are. So, we ask disabled employees to complete a Disability Equality at Work form, which tells us if they consider they are disabled people and also gives us details of any reasonable adjustments they need. Sometimes we may be in a pre-employment interview, or just in general discussion with a member of our team and they may mention to you that they have an impairment such as dyslexia or arthritis or maybe a mental health issue or cancer. Ask them to complete the form so that you can start to look at their needs and how we may help them.

2.3 Our processes support the **Social Model** of disability which is recommended by the Equality and Human Rights Commission. This mean that we accept that 'disability' is discrimination against disabled people, caused by physical, communication and social barriers. It is these barriers which prevent disabled people from having equality in all aspects of life. For example, printed material can be a barrier for a visually impaired person. This is not because the person

is visually impaired, but because the printed material may not be in the right format for them. In other words we can remove these barriers and so create equality.

- 3.0 As soon as a disabled employee has filled in a Disability Equality at Work form, or we know that someone is a disabled person, this triggers our legal obligation of make any reasonable adjustments for them. It's usually helpful if the disabled employee completes the form with you, their manager, so that you can discuss the adjustments between you.
- 3.1 A copy of the form must be sent to the Customer Service & Equalities Manager who will arrange for a copy of this to be placed on the employees file, and also notify DCC HR so that their MiPeople record can be updated. This is private and confidential information.
- 3.2 If you, or your disabled team member needs to know more about self-declaring as a disabled employee, please contact the Customer Service & Equalities Manager.

3.0 **SECTION THREE**

REASONABLE AJUSTMENTS

- 3.1 We have a legal duty to make 'reasonable adjustments' for disabled employees. This means that we must make sure we do not discriminate against disabled employees by physical feature of our premises or by any employment arrangements. Failing to make adjustments is discrimination and against the law. It is also important that any reasonable adjustments agreed are implemented as soon as possible. You also need to keep the disabled employee informed about the progress being made. Reasonable adjustments can be:
 - making adjustments to premises
 - re-allocating some minor duties
 - altering working hours
 - transferring the disabled employee to an existing vacancy
 - allowing absences during working hours for rehabilitation, assessment or treatment (disability leave)
 - giving appropriate training
 - providing or modifying equipment
 - modifying instructions or reference manuals
 - modifying procedures for testing or assessment during the recruitment process
 - providing a reader or interpreter to support the disabled employee in their job
 - providing additional support.

3.2 **How to consider reasonable adjustments**

Managers must ask the disabled employee if they need any changes making to the job, the way it is done or to the working environment so that they can work as effectively as possible.

You and the disabled employee should discuss the requirements of the job and break these down into individual task. For each task, identify how it is to be done and to what standard. If both you and the employee are satisfied with things as they are, then there is nothing more to do apart from recording the decision on the Disability Equality at Work form on the employees personal file.

3.3 **Deciding what is needed**

Think about any barriers facing the disabled employee that are preventing them from being as effective as possible. Bear in mind the types of barriers that can face disabled employees. For example....

- For someone who has bouts of pain, the tasks to look out for are those which bring on the pain, or those where it would be difficult to break off if pains occurs.
- Barriers for wheelchair users may be tasks, which involve going to inaccessible places or long periods of time spent away from an inaccessible toilet. Other barriers include inaccessible routes in the workplace, or the need to get to shelves, noticeboards or cupboards that are too high. Narrow doors, inaccessible door locks or lift buttons that are too high are also common barriers. Other barriers for wheelchair users include inadequate car parking facilities and no procedures in place for leaving the workplace quickly and safely in an emergency.
- Communication can be a major barrier for Deaf people, particularly when tasks involve communicating with other people using standard telephones. Meetings with managers or service users can also be a barrier.
- Visually impaired employees can also experience communication barrier as well as moving around and finding things. Standard printed documents, computers and other work equipment may be barriers to completing tasks. Travelling to new places, or working in an environment where things do not stay in the same place for long can be barriers. Another barrier is the expectation that work produced will meet certain visual standards or that people are expected to respond to body language or eye contact.
- Using complicated language can be a particular barrier for people with learning difficulties. Another barrier at work can be managers expecting that tasks should be learnt quickly and that people should only be told things once.
- Producing written work to a particular standard, or reading material accurately, can be a particular barrier for people with dyslexia.

- For disabled employees that cannot walk very far, barriers might include the distance that they have to walk as part of the job, even in the same office. Another barrier can be no adequate car parking.
- Lack of understanding and awareness from work colleagues can be a major barrier to doing the job effectively for someone with a mental health problem.

3.4 **Changes to the usual way of working**

For some disabled people, the usual systems, arrangements and ways of doing things in the workplace may be inaccessible. This may mean that the job becomes impossible to do, even though the individual tasks do not really cause a problem. It may be possible to change the 'usual' way of doing things in the workplace so that it includes every employee. This is the best way of approaching the adjustments, not as 'special' and individual to the disabled employee. Think of it as finding the most effective way for the whole workplace to function together. These types of changes may also be the most cost effective. Here are some examples...

- Using a different typestyle or size of print in general in communications.
- Colleagues of a deaf employee learning basic sign language.
- Changing the layout of the workplace so that gaps between desks, machinery and cupboards are big enough for a wheelchair user to get through.
- Changing where things are kept so that they are more accessible.
- Re-arranging the lighting to provide better general contrast or a higher or lower overall level of light.
- When re-decorating, using bolder colours giving a clearer contrast for doors, lights and switches.
- Modifying the filing system so that it is easier to use or read. An example of this would be enabling it to be used by blind or partially sighted people by using large print or Braille labels, bold or raised letters or numbers on files or using colours or shapes. For people with dyslexia or learning difficulties using pictures or colours could distinguish between files.
- Making sure that when you order new workplace equipment it meets the needs of all employees. For example, computer systems that are compatible with Braille software, telephones that have inductive couplers to link to a hearing aid.
- Having a general office policy of removing clutter and keeping gangways clear of boxes and open drawers.

- Making arrangements for refreshments to be available to meet the needs of any employees who have diabetes.
- Have a range of chair styles in the workplace, including chairs with and without arms.

Before making any changes, talk them through with the disabled employee and everyone else who will be affected.

- 3.5 If you do decide on a change, make sure it is properly planned and implemented as piece of management action, not as a favour or concession to the disabled employee. Treat it like any other piece of management action, monitor its effectiveness and review it regularly. Take full responsibility for the change and deal with any enquiries or concerns yourself. Remember you can get help from the Customer Service & Equalities Manager.
- 3.6 The Equality Act gives examples of reasonable adjustments we may have to make. One single adjustment may not be enough and you may need to consider several adjustments, covering different aspects of the job. Here are some examples from the Act, including some we have used previously at Derby Homes.
- 3.7 **Altering Premises**
- 3.7.1 For a disabled employee to do the job in the same way as anyone else they will need full access to all areas of the workplace, including other people's workspaces, store rooms, general work equipment and machinery, toilets and kitchens.
- 3.7.2 You might have to make structural or other physical changes such as widening a doorway, providing a ramp or moving furniture for a wheelchair user. You might have to alter the position of light switches, door handles or shelves for someone who has difficulty in reaching. You might need to provide appropriate contrast in decoration to help the safe mobility of a visually impaired employee.
- 3.7.3 There is often no simple solution if you are faced with an inaccessible workplace and a disabled employee who needs a high standard of access. The best way forward is first to discuss the access fully with the disabled employee. Remember, there is no reason why the employee should be an expert on access solutions, so you should consult the Customer Service & Equalities Manager for initial advice, if necessary they will contact specialist advisers and also liaise with the finance team and building management.

Some examples of access solutions are:

- relocating the existing workplace. This may seem too big an upheaval for one employee, but these days it is often possible with so many changes in services anyway. Make sure that the new location is fully accessible and that you use the opportunity of a general refurbishment to improve access.

- changing parts of your service around to free an accessible building or room somewhere else.
- considering a temporary solution of someone working from a different place until access improvements can be made. This is fine for a short time, but can lead to the disabled employee becoming isolated from the team. There must be an agreed plan and timescale with a realistic possibility of getting funding for the improvements.

3.7.4 **Re-allocating duties**

Minor or occasional duties might be reallocated to another employee if the disabled person has difficulty in doing them because of their impairment. For example, if a job occasionally involves going onto the open roof or a building you might have to transfer this work away from an employee who has severe vertigo.

This does not mean expecting other colleagues to do more work. It is about considering what activities a non-disabled employee can do more easily. This could mean swapping work between employees.

Some examples include:

- allocating occasional telephone duties from a Deaf employee to hearing colleagues
- allocating minor driving duties to another employee for someone who is unable to drive because of their impairment.

It is reasonable to make slight changes to jobs, but you must discuss these with the disabled employee and then record it. They may prefer to do the inaccessible part of the job by finding another solution.

Don't make major changes to a job without going through all the usual processes when a job is re-designed. Consult other employees if tasks are to be exchanged or new ways introduced. This is an important reasonable adjustment under the Equality Act. If you have any difficulties in introducing changes discuss this with your Head of Service and consult the Customer Service & Equalities Manager.

Make sure that any changes you make are recorded.

3.8 **Adjusting travel arrangements**

- 3.8.1 Some jobs involve travelling or moving between workplaces. Employees usually use their own car, public transport, cycle or walk. For some disabled employees, the usual transport may be inaccessible and so you must consider alternatives. Our travel and subsistence policy has been amended so that disabled employees can use whatever transport provision is most accessible for them, including taxis.

3.8.2 Disabled employees, with a blue disabled people's parking badge need appropriate parking for their car. The parking must be as close to their workplace as possible. If the disabled person is a wheelchair user, make sure the parking bay is wide enough for them to get their wheelchair in and out of the car. This also applies to parking away from the workplace if disabled people have to travel to other places as part of their job. Other transport such a taxis will need to be provided if there is no accessible car parking where they are going.

3.8.3 Access to work can help with taxi fares, to and from work, but it our responsibility to sort out travel for disabled employees when they have to travel as part of their job.

3.9 **Transferring the disabled employee to fill an existing vacancy**

If an employee becomes a disabled person, or a disabled employee's impairment changes significantly, and no reasonable adjustment is effective in their current job, then it is essential that you contact your Head of Service and Customer Service & Equality Manager to discuss the situation and discuss this as a possible option.

3.10 **Altering working hours**

3.10.1 Some disabled employees with particular impairments may find the usual working hours difficult. The Equality Act says that we have to be flexible in these cases. For example:

- some impairments may mean that people tire easily or need breaks or shorter hours
- some disabled people may need regular breaks during the day for injections or other forms of treatment
- some impairments may result in unpredictable spells of pain, preventing the disabled employee from working effectively when that happens
- the need for support at home may restrict a disabled employee's flexibility over start and finish times. For example a personal support worker may be only available to provide support at certain times of the day
- the need for time out for someone who has panic attacks.

3.10.2 Examples of how you can be flexible include:

- using existing flexible hours, time off in lieu and annual leave
- allowing flexibility over a long period. Such as agreeing with an employee the number of hours to be worked in a particular period. This can again be flexible and does not have to have set weekly or daily patterns

- agreeing a modified contract for fewer working hours
- allowing the disabled employee to work from home.

3.10.3 **Allowing the disabled employee to be absent during working hours for rehabilitation, assessment or treatment**

An example of this is that an employer might have to allow a disabled person more time off during working time than other non-disabled employees, for receiving rehabilitation, assessment or treatment. The Disability Leave procedure is an example of this and is described later in this guide.

3.10.4 **Arranging training for the disabled employee**

If someone is starting a new job, it is usual to have induction training. You may also need to consider some additional training for a disabled employee such as:

- training on how to use specific or modified equipment or how to use equipment in a different way
- mobility training for a visually impaired employee
- training for others in the workplace such as basic sign language
- job training for someone who has a learning difficulty.

3.10.5 **Supplying or modifying equipment**

Sometimes the best adjustment that you can make to enable a disabled employee to do the job effectively is to get a particular piece of equipment or to modify existing equipment. You should consider this after you have worked through all of the possibilities of changing the general way that you do things.

Some equipment can be fairly inexpensive and there should be no problem buying this from existing budgets. Other equipment can be very expensive, but you may be able to get help to buy this from the Access to Work Scheme, there are more details of this later in this guide.

Some examples of equipment you can get include:

- desks at different heights and desks which move up and down
- support rails for arms or hands
- text telephones/minicomms for Deaf people
- telephones with inductive couplers linked to hearing aids or telephones with volume controls

- talking clocks and calculators
- large screen computer screens and magnifiers which fit on top of screens
- braille terminals and braille embossers for computers
- computer software which turns print into large print
- computers that talk, reading out everything on the screen for visually impaired people
- computers and appropriate software that speak words on the screen and suggest different spellings for people with dyslexia
- vibrating pagers and fire alarms with flashing lights so Deaf people know when to evacuate a building.

If you identify a need for alternative or modified equipment you should discuss this with the Customer Service & Equalities Manager before placing any purchase orders.

3.10.6 **Altering instructions and other written material**

The way in which instructions are usually given to employees might need to be changed when showing a disabled employee how to do a task. Examples of this are providing information in Braille, audiotape, large print, computer disc or whatever other way the disabled employee needs. You might need to provide a British Sign Language interpreter to interpret management instructions or at meetings. Ask the disabled employee how they want the information to be given to them. Information includes anything from pay slips to disciplinary procedures. You must check that disabled employees in your team are getting accessible information.

Large print is very easy to produce using your computer. You can also send information away to organisations that can produce Braille versions of documents. Contact the Customer Service & Equalities Manager for more information.

3.10.7 **Altering procedures for testing or assessment**

This could involve making sure tests do not cause particular barrier for disabled people with specific impairments. For example someone with restricted manual dexterity might be disadvantaged by a written test, so you may need to give them an oral test. You will also need to give extra time to someone with dyslexia, it is usual to give 25% extra time for a test but ask the employee if this is fine for them.

Other examples might be providing written tests in Braille or large print or arranging for a British Sign Language Interpreter to be available.

3.10.8 **Providing a support worker such as a reader or interpreter**

You might need to provide a support worker for a disabled employee. Support workers are employed to provide individual, specified, work related support to a disabled employee. The Access to Work Scheme can usually help with the cost of this support. Examples of support workers include:

- someone who supports a Deaf person by helping with access to meetings, such as a British Sign Language interpreter, note taker or lip-speaker
- someone who supports a visually impaired employee by helping them to access printed material and other systems in the workplace
- someone who can do minor duties that a wheelchair user cannot do, such as putting up notices on a notice board
- someone who can provide personal care such as taking a disabled employee to the toilet or assisting them to get to and from work.

3.10.9 **Appropriate supervision**

All jobs need an appropriate level of supervision and support. For disabled employees this may include:

- keeping a watch on someone's health and safety, for example in case of a fire alarm. Make sure that any disabled employees in your team have appropriate Personal Emergency Evacuation Plans (PeePS) if they need help evacuating in an emergency
- providing extra supervision for someone with learning difficulties.

The Health and Safety Team will give you some advice on PEEPs for disabled employees.

3.10.11 We have looked at reasonable adjustments in jobs, but you must also make reasonable adjustments for disabled job applicants too. Ask the Customer Service and Equality Manager for advice on this.

3.10.12 The table on the next page has been put together by the Equality and Human Rights Commission and shows some common reasonable adjustments for disabled people. This table is only intended as a guide for further information and advice you can contact the Customer Service & Equalities Manager or Health and Safety Team.

Impairment	Task/Barrier	Suggestion
anxiety/panic attacks	travel in rush hour	adjustment to working day
autism	fitting into a new team	assign a buddy, especially to explain office culture
depression	reception duties from 8 am	adjustment to shift paper to best part of day
dyslexia	writing a report	mind mapping exercise
dyslexia	taking part in a meeting	send minutes in advance in user friendly text
epilepsy	long meetings on very hot days	frequent breaks, cold drinks and fan available
hearing	taking part in meetings	palantypist, provide a BSL interpreter, provide an induction loop, speak clearly facing the employee and don't sit in front of a window
hearing	phone calls	videophone, textphone/minicom
hearing	getting details of venue of next appointment	Nokia communicator
learning difficulty	taking minutes	record meeting, extra time to type up notes, alternative duties
lupus	attending work full time all year	flexible working such as compressed hours
mobility impairment	getting to meetings	provide taxi
severe asthma	outreach work on foggy day	taxis to and from appointments

Impairment	Task/Barrier	Suggestion
severe back pain	operating a computer	ergonomic assessment and regular rest breaks
speech impairment	team meetings	training for other employees
visual impairment or anxiety	new employee arriving at work	colleague meets them outside work

4. **SECTION FOUR**

ACCESS TO WORK SCHEME

4.1 What is the Access to Work Scheme?

Access to Work (AtW) is a scheme managed by Job Centre Plus. The scheme helps individual disabled people to meet the cost of help they might need to do a particular job. This is help that non-disabled people doing the same job would not need. It can apply to any job, full or part time, permanent or temporary and pay towards the extra employment costs resulting from someone's impairment. For example, it could pay towards the cost of:

- a communicator for a Deaf person at a staff meeting
- a reader at work for a visually impaired employee
- a support worker for someone needing practical help, either at work or travelling to work. This could include a communicator or interpreter to attend meetings, training courses or conferences. It could include a job coach to support someone while they learn the tasks of a new job, an assistant to help with the personal needs of someone in the workplace or an escort to and from work
- extra costs of getting to work such as adaptations to a vehicle, taxi fares or other transport costs if someone cannot use public transport to get to work or travel during work
- equipment, or altering existing equipment, to suit someone's specific needs. This could include computer equipment, providing a bigger screen, adapting a keyboard or providing telephone equipment such as text phones or amplifiers
- altering premises or working equipment. For example, help towards adapting or lowering machinery, installing alarm systems with flashing lights or adaptations to a lift.

4.2 How much help will we get?

AtW may pay all of the approved costs for help for a newly employed disabled person, who has been with us for less than six weeks, for a period of three years. If they have been in the job for six weeks or more, AtW may pay up to 80% of the approved costs of help, after the first £1000 for three years.

If a disabled employee needs help with Fares to Work, needs a reader or a support worker, or communication support AtW may pay up to 100% of the approved costs.

4.3 How do we get the help?

4.3.1 Disabled employees have to contact the AtW team themselves. The AtW advisor will then find out the disabled employee's requirements and make it a business case for support under the AtW Scheme. It is useful for Managers to be involved in this assessment. When AtW has agreed to help in principle, the Advisor will discuss the particular details of the disabled employee's needs with you, the manager, and agree what help can be provided under the scheme.

4.3.2 The Advisor may be able to give you an estimate of the price for the help required, or may ask you to get three quotes to agree an approved cost. Job Centre Plus will send you a proposal confirming the financial help they will give you and send a copy to the disabled employee. You can then organise the personal help or equipment needed and claim back the agreed financial help from Job Centre Plus.

4.3.3 Any equipment you buy with the help of an AtW grant is provided for the disabled employee. Derby Homes will own the equipment and will have responsibility for maintaining it. Sometimes such as where high cost IT equipment is necessary, the Advisor may be able to include the cost of a maintenance contract in the approved costs.

4.3.4 Tell the AtW Advisor if the equipment is no longer needed for the disabled employee. They will then discuss with you what to do with the equipment. Contact details for AtW are at the end of this guide.

4.3.4 You need to know that just because Job Centre Plus may provide help for a disabled employee under AtW, this does not necessarily mean that you have satisfied the duty of reasonable adjustments under the Equality Act for that employee. You must explore all reasonable adjustments with the disabled employee to satisfy that duty.

4.3.5 You can get help and advice on retaining a disabled employee from the Disability Employment Advisor based at the Job Centre Plus offices. Details are at the back of this guide.

5.0 SECTION FIVE

MANAGING ATTENDANCE AND DISABLED EMPLOYEES

- 5.1 There is a difference between sickness and disability related absences. Disabled people do generally take no more or less sick leave than other employees. However, a minority, owing to the nature of their impairments may need to take additional disability related absences. The important thing to remember is that this does not mean that we allow indefinite disability related sickness absences. In each situation we need to see if reasonable adjustments are possible to support the employee to attend work on a regular basis. We need to look at the circumstances for each individual – their job, the hours they work, how their impairment affects them, the treatment they may need and so on.
- 5.2 We want to make sure our Managing Attendance Policy is fair to everyone and is not discriminatory in any way. So there are separate processes for disabled people who are absent because of their impairment. These separate processes are called '**Disability Leave**' and '**Disability related sickness absence**'. If disabled people are absent for any other reason then the standard process applies. Read this section together with the Derby Homes Managing Attendance Procedure. This gives extra information for managers and disabled employees and gives details of the processes. If you are not sure which process to use, contact the your Head of Service or Customer Service & Equalities Manager.
- 5.3 **Disability Leave**
- 5.3.1 Disabled employees who need time off for treatment, rehabilitation or assessment concerned with their impairment make take 'paid disability leave'. This type of leave is not sickness absence and should not be treated as such. This leave will mostly be for one-off or short-term absences such as:
- having their hearing aid tested
 - attending mobility training with guide dog or training with a hearing dog
 - hospital check ups
 - assessment for someone who has dyslexia
 - counselling for someone who has a mental health problem
 - recovery time after having treatment or having a severe asthma or epilepsy attack
 - dialysis treatment
 - physiotherapy sessions
 - chemotherapy treatment and the after-effects of the treatment.
- 5.3.2 Disabled employees must apply for disability leave by completing a Disability Leave Request Form as detailed in the Managing Attendance process. The leave will be recorded on their time sheet as 'credited authorized absence'. Disabled people taking disability leave do not need to provided medical certificates, but may be asked to provided evidence to support their request for leave.

- 5.3.4 When a disabled employee asks for a period of disability leave managers must ask them if there are reasonable adjustments they can make to help.
- 5.3.5 It might mean that disability leave is not needed if another arrangement can be made. For example, a wheelchair user may need to spend time relieving pressure areas. In some circumstances, a reasonable adjustment would be to let them work from home for a time. Disability leave would not be needed as they were still able to work.
- 5.3.6 Another example is where perhaps a hearing impaired employee needs an induction loop fitting in their office. They do not have to be on disability leave while their office is adapted. They could work temporarily from another office that is accessible, as they were still able to work.
- 5.3.7 It is important to keep a record of disability leave, which is a reasonable adjustment, taken by disabled employees and of other reasonable adjustments suggested and made. Reasonable adjustments are recorded on Disability Equality at Work forms and also in a secure file held by the Customer Service & Equalities Manager, kept in a secure area of disabled employees personal files. This is important to ensure that adjustments are provided if needed and secondly to monitor how the system is being used. Records may also be needed as evidence in situations where a disabled employee feels we have discriminated against them under the Equality Act.
- 5.3.8 If appointments can be taken out of work time, then this is preferred, but if this is not possible then Disability Leave will apply. Disability Leave can only be taken if someone is at work and not if someone is already off work.
- 5.4 Disability related sickness absence**
- 5.4.1 Disabled employees whose sickness absence is because of their impairment, should record their absence using the standard forms and fit notes. The cause of the absence should then be recorded as disability related.
- 5.4.2 Disability related sickness absences are included in attendance management reports. This also applies to pregnancy related sickness absences. However, if the disabled person does reach a trigger point, then you should meet with them, to tell them that their absence is a cause for concern and discuss with them whether any more reasonable adjustments can be made to help them to do their work. An example of an additional reasonable adjustment would be when the disabled employee may just not be able to complete the journey to work on an 'off' day. In these circumstances, Fares to Work help from AtW has helped by providing a taxi to work. Alternatively, sometimes working from home would also be a reasonable adjustment to help the disabled employee avoid being off work on disability related sickness absence.
- 5.4.3 If all reasonable adjustments have been thoroughly considered and discussed and the disabled employee still cannot work, and still has regular absences, then and only then, will we have to look at the possibility of a hearing under the Managing Attendance process. Please remember that you must not

interview a disabled person to ask them to improve their attendance if the absences are disability related, without exhausting all opportunities to make reasonable adjustments, as this is discriminatory. Before arranging a hearing, you must speak to your Head of Service, who may also discuss this with a HR Advisor and/or the Customer Service & Equalities Manager.

5.4.4 Occupational Health Service

Sometimes you may need to get advice from our Occupational Health Service, particularly if the individual is a newly disabled person, or their circumstances have changed. This is not necessary if the disabled employee and you agree on the reasonable adjustments needed. Occasionally, you may come across a situation where you are not sure about the reasonable adjustments. Contact the Customer Service & Equalities Manager for support and if you do need to get help from the Occupational Health Service complete a referral form (always with the employees consent).

5.5 Non- disability related absence

Any sickness absence not related to the employees impairment is recorded and managed as described in the Managing Attendance procedure.

6.0 **SECTION SIX**

FREQUENTLY ASKED QUESTIONS AND ANSWERS

6.1 One of my employees has told me they are a disabled person, but what if I am not convinced?

If an employee asks for any adjustments to be made because of an impairment, whose effects are not obvious, nothing in the Equality Act prevents you from asking for evidence. As for evidence and seek advice from the Customer Service & Equalities Manager before making a decision. Remember that many people have hidden impairments and face discrimination because people do not believe them, so ask sensitively.

6.2 How do I know if I am protected under the Equality Act?

You won't unless you have one of the automatically protected impairments – cancer, HIV/AIDS or Multiple Sclerosis. The Equality Act's definition of a disabled person is a legal one and only an Employment Tribunal or County Court Judge can say that you meet this definition. This is why we use the social model and self declaration, so if you consider that you are a disabled person, fill in a Disability at Work form and give it to your manager. Contact the Customer Service & Equalities Manager for more information if you are not sure.

6.3 I don't what my manager to know about my impairment. Why should I let anyone know?

If you are a disabled employee, Derby Homes has a legal obligation to make sure you have all the reasonable adjustments you need to do your job effectively. It is very difficult to do this if no one knows about your impairment. One of the first disabled people to take a case of disability discrimination to an Employment Tribunal lost because her employer was not reasonably expected to know that she was a disabled person. She had a hidden impairment, but had not told her employer. It is better for you to tell your manager. You do not have to give full details of your particular impairment, but you do need to tell us why you need reasonable adjustments. This will then make sure your rights are protected under the Equality Act. Your colleagues do not have to know.

6.4 I think one of my staff may have an impairment. What should I do?

Arrange a meeting with the, to tell them about these guidelines and the Disability Equality at Work form and ask them to consider filling one in. You can also discuss any reasonable adjustments with them to explain about disabled people's rights under the Act, making it clear that they are 'rights' and not 'favours'.

6.5 One of my employees says he is a disabled person and cannot do certain aspects of his job. What should I do?

Arrange a meeting with him and discuss whether he considers he is a disabled person. If he feels he is or may be, explain about his rights under the Equality Act. Ask him what particular aspects of his job he finds difficult to do. Explore reasonable adjustments with him asking the Customer Service and Equality Manager for help if you need to. If there is just a small part of his job he cannot do, a reasonable adjustment might be to give that part to another employee and the disabled person would take on extra duties that he could do. For example a Deaf employee may find it difficult to answer the telephone. Hearing employees could do this for them in return for the other duties the Deaf employee could do for them.

If there are major aspects of the job he cannot do then consult the Customer Service & Equality Manager and HR Advisor who may get advice from the Occupational Health Service before making a decision.

6.6 Does the Managing Attendance process apply to me a disabled employee?

Yes, they apply to all employees. However, disabled employees can apply for disability leave as a reasonable adjustment for rehabilitation, assessment or treatment related to their impairment, which is not sick leave. Disability leave is described in Section Five of this guide under Managing Attendance and disabled employees.

6.7 Do I still interview a disabled employee who has a poor attendance record?

If a disabled employee reaches a sickness absence trigger point and you are sure these absences are not related to their impairment or pregnancy, the standard procedures apply. **You must not interview the employee, specifically, to ask them to improve their attendance, if the absences are impairment related, as this is discriminatory.** But you do need to interview them to tell them you are concerned about their attendance and ask if there are any other reasonable adjustments that can be done to help them at work. The Managing Attendance procedure and this guide gives information. Get advice from the Customer Service & Equalities Manager, or your Head of Service or HR Advisor. Disabled people's disability related absences will still be managed, and if any disabled employee is off indefinitely, despite a whole range of reasonable adjustments being explored, then they will be referred to a hearing for further action.

6.8 I am a new manager. How do I find out about the Equality Act and make sure I am complying with the law?

You can contact the Customer Service & Equalities Manager for advice.

6.9 Can I find out if anyone else in Derby Homes has a similar impairment to me, so that I can discuss my problems with someone else?

We have a Diversity Forum which meets regularly and is a good way of meeting others. Contact the Customer Service & Equalities Manager for more information.

6.10 What is disability leave?

Disability leave is a reasonable adjustment that enables, a disabled employee to take authorized absence during working hours, for rehabilitation, assessment or treatment related to their impairment. There is more information about this in the Managing Attendance Section of this guide.

6.11 I have just become a disabled person. Who do I talk to about making changes to my job?

In the first instance it is best if you talk to your manager, but you can also talk, in confidence to the Customer Service & Equalities Manager.

6.12 The adjustments I have are two years old, and I do not think they are right for me anymore. What should I do?

Both you and your manager should review reasonable adjustments regularly. Tell you manager about your concerns as they may not know that your needs have changed.

6.13 I am concerned that one of my employees may need different reasonable adjustments, what should I do?

Review reasonable adjustments regularly with the disabled employee. Ask for help from the Customer Service & Equalities Manager.

6.14 Do I have to pay for any reasonable adjustment I have made at work?

No, employers have a legal obligation to provide reasonable adjustments for disabled employees and job applicants and disabled people must not be charged for these adjustments.

6.15 One of my employees who had help from Access to Work has now changed jobs. What should I do?

Information AtW of the changes because there may be some different equipment or help he needs. If the disabled person still works for you, ask him what reasonable adjustments he needs. If he works in another team or section, or has left Derby Homes, AtW still need to know, See the section on Access to Work in this guide.

6.16 I am concerned about general safety issues and access arrangements. Who do I contact?

Get advice on safety from the Health & Safety Team, either about existing conditions or any proposed changes. However, remember that reasonable adjustments are about equality for disabled people and should not be seen as a 'Health and Safety issue' only.

It is important that disabled employees have a **Personal Emergency Evacuation Plan (PEEP)** if they have difficulty getting out of the building in an emergency or hearing the fire alarm. Managers should consult the Health and Safety Team for help.